

ASSEMBLY BILL

No. 2208

Introduced by Assembly Member Torres

February 18, 2010

An act to amend Section 290.015 of, and to add Section 290.96 to, the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2208, as introduced, Torres. Sex offenders: social networking prohibition.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law sets forth the procedure for doing so and provides that a violation of the sex offender registration law is a crime, punishable as specified.

This bill would, in addition, make it a misdemeanor for any person required to register as a sex offender to use any Internet social network Web site, as defined. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 290.015 of the Penal Code is amended to read:

290.015. (a) A person who is subject to the Act shall register, or reregister if the person has previously registered, upon release from incarceration, placement, commitment, or release on probation pursuant to subdivision (b) of Section 290. This section shall not apply to a person who is incarcerated for less than 30 days if he or she has registered as required by the Act, he or she returns after incarceration to the last registered address, and the annual update of registration that is required to occur within five working days of his or her birthday, pursuant to subdivision (a) of Section 290.012, did not fall within that incarceration period. The registration shall consist of all of the following:

(1) (A) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.

(B) *The statement shall include a notice that the person is prohibited from using any Internet social network Web site pursuant to Section 290.96.*

(2) The fingerprints and a current photograph of the person taken by the registering official.

(3) The license plate number of any vehicle owned by, regularly driven by, or registered in the name of the person.

(4) Notice to the person that, in addition to the requirements of the Act, he or she may have a duty to register in any other state where he or she may relocate.

(5) Copies of adequate proof of residence, which shall be limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents showing that person's name and address, or any other information that the registering official believes is reliable. If the person has no residence and no reasonable expectation of obtaining a residence in the foreseeable future, the person shall so advise the registering official and shall sign a statement provided by the registering official stating that fact. Upon presentation of proof of residence to the registering official

1 or a signed statement that the person has no residence, the person
2 shall be allowed to register. If the person claims that he or she has
3 a residence but does not have any proof of residence, he or she
4 shall be allowed to register but shall furnish proof of residence
5 within 30 days of the date he or she is allowed to register.

6 (b) Within three days thereafter, the registering law enforcement
7 agency or agencies shall forward the statement, fingerprints,
8 photograph, and vehicle license plate number, if any, to the
9 Department of Justice.

10 SEC. 2. Section 290.96 is added to the Penal Code, to read:

11 290.96. (a) Any person who is required to register under the
12 act shall be prohibited from using any Internet social network Web
13 site.

14 (b) Any person who violates this section is guilty of a
15 misdemeanor punishable by imprisonment in a county jail for not
16 exceeding six months, by a fine not exceeding one thousand dollars
17 (\$1,000), or by both that imprisonment and fine.

18 (c) For the purposes of this section, “social network Web site”
19 means any Internet Web site designed with the intent of allowing
20 users to build networks or connect with other people and that
21 provides means for users to interact over the Internet.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.